

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Krosky (Reg. No. 58,564), the undersigned, on January 21, 2009.

3. The application has been amended as follows:

IN THE CLAIMS:

Claim 1 of the invention has been amended to correct a minor error as follows:

1. (Currently Amended) A computer implemented system that facilitates classifying messages in connection with spam prevention, comprising:
 - memory operatively coupled to a processor;
 - a component that receives a set of the messages;
 - a first classification component that identifies a subset of the messages as SPAM or flagged for further analysis, and temporarily delays further classification of the subset of messages; and
 - a second classification component that after a delay period classifies the subset of messages by employing a filter that is updated during the delay period based at least in part on one or more learning techniques that are employed to receive additional data

associated with the subset of messages during the determined delay period, the additional data includes data based on an analysis of the subset of messages, the delay period is dynamically determined based in part on at least one of a probability that the set of messages are spam, a time of next filter update, a time of next filter download and a level of uncertainty associated with the subset of messages, the determined delay period is reduced when determined that the subset of messages have been quarantined by one or more server filters,

the memory retains at least a portion of at least one of the component, the first classification component or the second classification component.

ALLOWABLE SUBJECT MATTER

4. Claims 1-40 and 42 (renumbered as 1-41) are allowable over the prior art of record.
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip B. Tran whose telephone number is (571) 272-3991. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip B Tran/
Primary Examiner, Art Unit 2455
Jan 21, 2009